

SOUTH AUSTRALIA

**BULK HANDLING OF GRAIN ACT 1955**

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at **20 March 1997**.*

*It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.*

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# BULK HANDLING OF GRAIN ACT 1955

being

Bulk Handling of Grain Act 1955 No. 4 of 1955  
[Assented to 7 July 1955]

as amended by

Bulk Handling of Grain Act Amendment Act 1961 No. 3 of 1961 [Assented to 5 October 1961]  
Bulk Handling of Grain Act Amendment Act 1962 No. 7 of 1962 [Assented to 11 October 1962]  
Bulk Handling of Grain Act Amendment Act 1964 No. 37 of 1964 [Assented to 22 October 1964]  
Bulk Handling of Grain Act Amendment Act 1968 No. 15 of 1968 [Assented to 28 November 1968]  
Bulk Handling of Grain Act Amendment Act 1969 No. 70 of 1969 [Assented to 11 December 1969]  
Bulk Handling of Grain Act Amendment Act (No. 2) 1969 No. 92 of 1969 [Assented to 11 December 1969]  
Bulk Handling of Grain Act Amendment Act 1977 No. 40 of 1977 [Assented to 15 December 1977]<sup>1</sup>  
Bulk Handling of Grain Act Amendment Act 1983 No. 5 of 1983 [Assented to 14 April 1983]  
Bulk Handling of Grain Act Amendment Act 1984 No. 86 of 1984 [Assented to 29 November 1984]  
**Bulk Handling of Grain (Directors) Amendment Act 1997 No. 2 of 1997 [Assented to 27 February 1997]<sup>2</sup>**

<sup>1</sup> Came into operation 23 February 1978: *Gaz.* 23 February 1978, p. 673.

<sup>2</sup> **Came into operation 20 March 1997: *Gaz.* 20 March 1997, p. 1292.**

**NOTE:**

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the Act see Appendix.

**An Act relating to the bulk handling of wheat and other grain by South Australian Co-operative Bulk Handling Limited, and other matters incidental thereto.**

WHEREAS South Australian Co-operative Bulk Handling, Limited, a company limited by guarantee and without a share capital has been incorporated and registered under the *Companies Act 1934-1952* with the principal object of establishing, maintaining, and conducting in the State of South Australia a scheme or system for receiving, handling, transporting, and storing wheat and other grain in bulk, and exercising powers incidental to that object:

AND WHEREAS the company has been formed on a co-operative basis so that all growers of grain as defined in the Articles of Association of the company may become members thereof, but the company has no power to declare or pay dividends and the net profits of the company are to be applied in carrying out its objects and in maintaining and improving the facilities of the company:

AND WHEREAS it is desirable to confer certain rights and powers upon the said company and to regulate and control the bulk handling of wheat and other grain in South Australia in order to ensure that proper service is given to growers, millers, merchants, and other persons concerned in the marketing, handling, and disposal of wheat and other grain:

The Parliament of South Australia enacts as follows:

**Short title**

1. This Act may be cited as the *Bulk Handling of Grain Act 1955*.

**Interpretation**

2. In this Act, unless the context otherwise requires, or some other meaning is clearly intended—

"**the Barley Board**" means the Australian Barley Board constituted under the *Barley Marketing Act 1947-1962*;

"**bulk handling facilities**" means bins, silos, elevators, conveyor belts, and other accommodation, plant, and equipment for the reception, storage, handling, and delivery of grain in bulk;

"**the company**" means South Australian Co-operative Bulk Handling, Limited, a company limited by guarantee without a share capital, and incorporated under the provisions of the *Companies Act 1934-1952*;

"**country bin**" means a building, shed, silo, bin, or other receptacle at a place other than a terminal port for the reception and storage of grain in bulk pending transport or delivery, and any plant or equipment used in connection therewith;

"**grade**" as applied to grain means grade prescribed by regulations under this Act, and if no grades are so prescribed means grade determined in the manner customary among persons trading in grain in the State;

"**grain**" means wheat, oats and barley or any of them;

"**licensed receiver**" means licensed receiver within the meaning of the *Wheat Industry Stabilization Act 1968*, as amended, of the State or, as the case may be, of the *Barley Marketing Act 1947-1962*;

"**maltster**" means a person who carries on the business of malting or otherwise processing barley into malt;

"**miller**" means person who carries on the business of milling or otherwise processing wheat or other grain;

"**the Minister**" means the Minister of Agriculture, or the person for the time being acting as such Minister;

"**the Railways Commissioner**" means The South Australian Railways Commissioner;

"**season**" means period of twelve months commencing on the first day of October in any year and expiring on the thirtieth day of September in the following year;

"**terminal bin**" means a building, shed, silo, bin, or other receptacle at a terminal port for the storage of grain in bulk pending transport or delivery, and any plant and equipment in connection therewith;

"**warrant**" means warrant issued by the company under this Act authorising the holder to receive grain from the company;

"**the Wheat Board**" means the Australian Wheat Board continued in existence by the *Wheat Industry Stabilization Act 1968* of the Commonwealth or by that Act as amended or by any Act passed in substitution for that Act.

**Terminal ports**

**3.** (1) For the purposes of this Act the following ports shall be terminal ports, namely, Ardrossan, Port Adelaide, Port Pirie, Port Lincoln, Thevenard, Wallaroo, and any other port which is a terminal port within the meaning of any proclamation in force under this section.

(2) The Governor may, by proclamation, declare that any port other than those named in subsection (1) of this section shall be a terminal port for purposes of this Act, and may, by proclamation, revoke any such proclamation.

*Finance, Directors and Management*

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**Further guarantee by Treasurer**

**4C.**

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(2) The guarantee given pursuant to this section as in force immediately before the commencement of the *Bulk Handling of Grain Act Amendment Act 1969* shall contain such terms and conditions as are agreed upon between the Treasurer and the said bank.

(3) If any sum becomes payable to the said bank by the Treasurer under a guarantee given pursuant to this section as in force immediately before the commencement of the *Bulk Handling of Grain Act Amendment Act 1969* the Treasurer may pay that sum out of the general revenue of the State.

This section, without other appropriation, shall be sufficient authority for making any such payment.

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**Restrictions on trading by company**

9. (1) Except as allowed by this section, neither the company nor any director, officer, or servant of the company shall carry on or have any share or interest in a business which consists of or includes the buying or selling of grain or acting as agent for the buying or selling of grain.

Penalty: Four hundred dollars.

(2) Notwithstanding subsection (1) of this section it shall be lawful—

- (a) for the company to buy grain to replace damaged grain or make up losses or shortages in out-turn;
- (b) for the company to sell wheat which has become damaged or wheat representing any excess of out-turn resulting from its operations under this Act;
- (c) for a director, officer, or servant of the company who is also a member, servant, or agent of the Wheat Board or the Barley Board to do any act in the ordinary course of business of either of such boards respectively;
- (d) for the company to act in any matter for and on behalf of the Wheat Board or the Barley Board;
- (e) for any director, officer, or servant of the company who is a grower of grain to sell grain in the normal course of his business as a grower of grain, or to buy grain for use on his farm.

**Prohibition of preferences and disclosures by company**

10. (1) Neither the company nor any director, servant, officer, or agent of the company shall—

- (a) give to any persons desiring the services of the company preferential treatment as against other persons desiring such services;
- (b) solicit business on behalf of any grain buyer;
- (c) disclose anything relating to the business or transactions of any person doing business with the company to any other person, except where such disclosure is required by any other Act or law, or is necessary for the purpose of transacting the business of the company.

Penalty: Four hundred dollars.

(2) This section shall not affect the right of the company to make any charges authorised by any other provision of this Act.

**Application of moneys from excess of out-turn**

**11.** (1) All moneys arising from any excess of out-turn in grain received by the company in any season shall be transferred by the company to a reserve fund to meet any shortage in the out-turn of grain of any season: Provided that any excess of the reserve fund over forty thousand dollars may be transferred to and applied as part of the general earnings of the company.

(2) Money in the reserve fund may be invested in any securities in which trustees are authorised by law to invest trust funds.

*Bulk Handling of Grain***Right of company in respect of bulk handling of wheat and barley**

**12.** (1) Subject to this Act and the *Wheat Marketing Act 1984* the company shall have the sole right of receiving, storing and handling grain in bulk within the State, and the sole right to contract or arrange for the transport and delivery of grain in bulk within the State.

(2) Subsection (1) of this section shall not—

- (a) prevent the Wheat Board or, as the case may be, the Barley Board from receiving, storing, and handling grain in bulk in the Wheat Board's or the Barley Board's bulk handling facilities, or from transporting or delivering grain to or from such facilities, or from arranging for such transport or delivery or otherwise operating such facilities;
- (b) prevent the Wheat Board or, as the case may be, the Barley Board from making and carrying out arrangements for the transport of grain held by the company as a licensed receiver in any bulk handling facilities operated by the company;
- (c) prevent any person who uses wheat, flour or oats in milling or manufacture from establishing at his mill or factory, or at any other place in the town in which his mill or factory is situated, or in accordance with a permit under this section, any bulk handling facilities for receiving and storing and handling wheat or oats to be used in such milling or manufacture;
- (c1) prevent any person who uses barley in malting or manufacture from establishing at his malting house or factory or at any other place in the town in which his malting house or factory is situated, (or at any place in the Metropolitan Planning Area as defined in the *Planning and Development Act 1966-1967*, if his malting house or factory is situated within that area) or in accordance with a permit under this section, any bulk handling facilities for receiving and storing and handling barley to be used in such malting or manufacture;
- (d) affect the right of any person to receive, store, handle, transport, and deliver grain in bags;
- (e) impose any liability on the Railways Commissioner or his officers or servants by reason of receiving, handling, storing, or carrying any grain in bulk in the ordinary course of the business of the railways;

- (f) impose any liability on any person who handles, transports, or delivers grain in bulk to or from the Wheat Board's or the Barley Board's facilities.

(3) The Minister may grant a permit to any miller or maltster authorising him to do either or both of the following things, namely:—

- (a) to erect bins at any place of receipt where the company does not provide separate storage for premium wheat or, as the case may be, barley or oats in bulk, and to use such bins for the storage in bulk of premium wheat or, as the case may be, barley or oats to be used by the miller or maltster in his own business;
- (b) to transport or arrange for the transport of grain in bulk from any bin erected or used by the miller or maltster to his mill or as the case may be his malting house or factory.

Every such permit shall apply only to such mills, bins, malting houses, factories, or places as are mentioned therein, and may include conditions fixed by the Minister.

An act done in accordance with a permit granted under this subsection shall not be deemed to be a contravention of this section.

(4) Any person who receives, handles or stores grain in bulk or contracts or arranges for the transport and delivery of grain in bulk contrary to this section shall be guilty of an offence.

Penalty: Four hundred dollars.

#### **General powers of company**

**13.** (1) The company may enter into and carry out contracts, arrangements, and transactions (whether with Governmental bodies, or other authorities or persons) for all or any of the following purposes, namely:—

- (a) purchasing, leasing, hiring, or otherwise acquiring bulk handling facilities, and sites for such facilities;
- (b) for the use by the company whether as lessee or licensee, or in any other capacity of jetties, piers, wharves, sheds, railway sidings, platforms, or any other facilities;
- (c) borrowing money for the purposes mentioned in this section;
- (d) doing any other act or thing incidental to the execution of its powers duties and functions under this Act.

(2) Subsection (1) of this section shall not be deemed to restrict or take away any power of the company under its Memorandum of Association.

(3) The amount of the rent or other payment payable to the Minister of Marine, or the Railways Commissioner, under or for any lease, licence, right of user, or other right granted by the Minister or commissioner to the company under this section shall be approved by the Governor before the lease, licence, or right takes effect.

**Duty of company to erect bulk handling facilities**

**14.** (1) The company shall, with all practicable speed, erect adequate bulk handling facilities—

- (a) at each terminal port; and
- (b) at a sufficient number of railway stations, railway sidings, and depots, to receive the grain which is to be taken to the terminal ports.

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(3) The company shall not erect a country or terminal bin unless the design and materials of such bin have been approved by the Minister. The Minister may give a general or special approval to any design and materials.

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**Order of priority of works**

**15.** Subject to section 7 of this Act the order of priority of the erection of bulk handling facilities shall be determined by the company. In determining such order the company shall take into account the following matters:—

- (a) The urgency of the needs of growers and the amount of grain produced in the various parts of the State:
- (b) The urgency of the needs of persons shipping grain in bulk from the respective terminal ports and the quantity of grain in bulk which may reasonably be expected to be handled at each port:
- (c) The amount of finance available to the company:
- (d) The quantity of materials and labour available to the company at the respective places at which bulk handling facilities are to be erected.

**Duty to call for tenders**

**16.** (1) Before commencing the building, manufacture, or construction of any bulk handling facilities the company shall, by public advertisement, call for tenders for such building, manufacture, or construction.

(2) This section shall not apply to or in relation to the building, manufacture or construction of any bulk handling facilities estimated by the company to cost a sum not exceeding ten thousand dollars.

**Maintenance and repair of bins and equipment**

**17.** The company shall—

- (a) keep all bulk handling facilities used by it or under its control in good repair and condition, and in safe working order; and
- (b) take all reasonable precautions to protect all grain received and handled by the company from destruction, loss, and damage.

**Powers of Minister as to alteration or additions to facilities**

18. Whenever, in the opinion of the Minister, any bulk handling facilities provided by the company are inadequate for the needs of the district which they serve, or are defective, or ought to be enlarged so as to meet the requirements of a larger district, the Minister may, by notice in writing, direct the company to make such alterations or additions to those facilities as the Minister deems necessary, and the company shall obey such direction.

**Company to make certain payments to councils in lieu of general rates**

18A. (1) Notwithstanding the provisions of the *Local Government Act 1934-1982*, where the council for an area in which any bulk handling facilities are situated declares a general rate in respect of the financial year commencing on the first day of July, 1983, or any subsequent financial year, the company shall not be liable to the general rate in respect of the bulk handling facilities but shall make a payment to the council in lieu of the general rate of an amount determined by reference to the following formula:

$$A = S.C. \times \frac{5}{100} \times \frac{C.P.I._x}{C.P.I._1}$$

where—

A is the amount to be determined expressed in dollars and cents:

S.C. is the storage capacity of the bulk handling facilities as at the thirtieth day of June immediately preceding the commencement of the financial year in respect of which the general rate is declared:

C.P.I.<sub>x</sub> is—

- (a) in relation to the financial year commencing on the first day of July, 1983, the consumer price index for the quarter ending on the thirtieth day of June, 1983; or
- (b) in relation to any subsequent financial year, the consumer price index for the quarter ending on thirtieth day of June immediately preceding the commencement of that financial year:

C.P.I.<sub>1</sub> is the consumer price index for the quarter ending on the thirtieth day of June, 1983.

(2) The Minister shall, by notice published in the *Gazette* on or before the thirty-first day of August in each year, fix in relation to each of the bulk handling facilities of the company the maximum number of tonnes of wheat that could, in his opinion, be properly stored by the facilities as at the thirtieth day of June in that year.

(3) Where the company becomes liable pursuant to subsection (1) to pay an amount to a council in lieu of a general rate, the provisions of the *Local Government Act 1934-1982* shall apply in relation to the payment and recovery of the amount in the same way that they would have applied if the amount had become payable by way of the general rate.

(4) In this section—

"area" means area within the meaning of the *Local Government Act 1934-1982*;

"**bulk handling facilities**" means bulk handling facilities used by or under the control of the company including adjacent land occupied by the company for the purposes of the operation of the facilities;

"**consumer price index**" means the quarterly consumer price index number for Adelaide prepared and published by the Commonwealth Statistician;

"**council**" means council within the meaning of the *Local Government Act 1934-1982*;

"**general rate**" means a general rate (including differential general rates) declared by a council in pursuance of the provisions of the *Local Government Act 1934-1982*;

"**storage capacity**", in relation to any bulk handling facilities, means the number fixed by the Minister by notice published pursuant to subsection (2) as being the maximum number of tonnes of wheat that could, in his opinion, be properly stored by the facilities as at the relevant date.

### **Appointment and duty of company as licensed receiver**

**19.** (1) The company shall be entitled to be appointed as a licensed receiver of grain in bulk for the purposes of the *Wheat Industry Stabilization Act 1963* of the Commonwealth as amended from time to time or any Act in substitution therefor or, as the case may be, the *Barley Marketing Act 1947-1963*.

(2) Subject to section 19A of this Act, the company shall receive and handle all grain in bulk offered to it as a licensed receiver at any of its bulk handling facilities which are in use, in such manner as the Wheat Board or, as the case may be, the Barley Board shall, from time to time, direct, and in accordance with the provisions of the *Wheat Industry Stabilization Act 1963* of the Commonwealth as amended from time to time or any Act in substitution therefor or, as the case may be, the *Barley Marketing Act 1947-1963*.

(3) The provisions of this Act relating to the receipt of grain in bulk by the company otherwise than as a licensed receiver, and to the issue of warrants for grain, and to the delivery of grain to holders of warrants, shall not apply to grain received by the company as a licensed receiver.

### **Rationalisation of deliveries**

**19A.** The company may, in the discretion of the directors and subject to any other Act—

- (a) from time to time, as occasion requires, establish a scheme for the rationalisation of the delivery of grain of any kind offered to it whether as a licensed receiver or otherwise; and
- (b) amend or vary any such scheme; and
- (c) except in such special circumstances as the directors may approve, accept delivery only of such grain as is offered to it in accordance with any scheme applicable to grain of that kind and for the time being in operation.

### **Company may refuse to accept delivery of wheat**

**19B.** Notwithstanding anything in this Act or in any other enactment, the company may, in relation to—

- (a) the season which commenced on the first day of October, 1969; or

(b) any season which is a quota season as defined in the *Wheat Delivery Quotas Act 1969*, refuse to accept delivery of any wheat.

**Terms and conditions of handling grain otherwise than as licensed receiver**

20. The terms and conditions on which bulk grain shall be received, stored, handled, and delivered by, the company otherwise than as a licensed receiver shall be in accordance with this Act and the regulations to be made under this Act.

Notwithstanding any contract or agreement to the contrary, such terms and conditions shall apply to the delivery, storage, receipt, and handling of all such grain.

**Duty to exhibit handling charges**

21. If at or from any bulk handling facilities the company receives or delivers grain in bulk, it shall exhibit in a conspicuous position on or near the site of such facilities a poster or placard showing in clearly legible words and figures the prescribed charges and dockages authorised to be made by the company in connection with grain received by it in its bulk handling facilities.

**Duty to receive wheat in bulk**

22. (1) The company shall receive all wheat in bulk which is offered to it, otherwise than as a licensed receiver, at any of its bulk handling facilities which are in use, but shall not receive any wheat which is inferior to the lowest prescribed grade, and differs from that grade to a greater extent than is permitted by the regulations.

(2) If the company refuses to accept wheat on the ground of inferior quality, the person offering it may, by notice to the company, request that the question whether the wheat should be accepted or not by the company shall be referred to an official referee for decision, and the question shall be referred and decided accordingly.

**Dockage on grain in bulk received, otherwise than as a licensed receiver**

23. (1) When the company, otherwise than as a licensed receiver, receives grain into its bulk handling facilities, an officer of the company duly appointed for that purpose shall determine whether or not any dockage is to be imposed in respect of such grain. The items for which dockages may be made and the amount of the dockages shall be as prescribed by regulations.

(2) Such officer shall assess the amount of the dockage and particulars of the dockage shall be stated on the warrant.

(3) If the person delivering the grain disputes the assessment of dockage he may, by giving notice forthwith in the prescribed form to the officer making the assessment require that the amount (if any) of the dockage shall be determined by an official referee, and the dockage shall be determined accordingly.

**Warrants**

24. (1) When the company, otherwise than as a licensed receiver, receives grain into its bulk handling facilities, the company shall cause the grain to be weighed, and its grade to be determined, and a warrant to be issued for it.

(2) Every such warrant shall—

(a) clearly state the name of the grower of the grain; and

- (b) be in the prescribed form; and
- (c) be issued in the name of the grower or some person nominated by the grower at the time of the delivery of the grain.

(3) All such warrants shall be consecutively numbered and two warrants bearing the same number shall not be issued in respect of grain of the same season.

#### **Transfer of warrants**

**25.** (1) Every warrant shall be transferable and upon the transfer of a warrant all rights and obligations of the transferor under the warrant (including the obligation to pay charges and tolls to the company in respect of the grain to which the warrant applies) shall pass to the transferee: Provided that the person to whom a warrant is transferred shall accept and hold it subject to all rights of ownership, charges, liens, and interests of other persons in or over the grain in respect of which the warrant was issued.

(2) The transfer of a warrant by the person to whom it was issued by the company or by a person to whom the warrant has been transferred by special endorsement shall be effected by endorsement and delivery.

(3) An endorsement may be in blank, or may specify the person to whom the warrant is transferred.

(4) A subsequent transfer of a warrant which has been transferred by endorsement in blank may be effected by delivery.

#### **Title to grain in bulk**

**26.** (1) The receipt or storage of grain by the company in its bulk handling facilities shall not confer on the company the ownership of, or any proprietary right or interest in the grain.

(2) The company shall be a custodian for reward of all grain in its bulk handling facilities.

(3) If grain belonging to more than one person is held by the company in its bulk handling facilities, all grain so held shall be the property of all the owners as owners in common.

(4) Grain held by the company in its bulk handling system shall not be liable to be held or taken or sold for enforcement or discharge of any debts or obligations of the company.

#### **Indemnity to company where grain converted**

**27.** Where the company has, in good faith, and without negligence, received grain from any person who had wrongfully converted it to his own use, or from a person in derogation of the right, title, claim, or interest of any other person, the person from whom the grain was received shall indemnify the company against all actions, proceedings, claims, demands, costs and expenses in respect of the receipt, detention, handling or delivery by the company of such grain.

#### **Insurance of grain**

**28.** (1) The company shall, at its own expense, insure all grain from time to time in its custody or under its control (other than grain received by it as a licensed receiver) in its full insurable value with some reputable public insurance company which has complied with the provisions of the *Insurance Act 1932-1937* of the Commonwealth, against destruction, loss or damage by fire, storm, tempest, flood, explosion, and such other risks as may, from time to time, be prescribed.

(2) The company may receive and give a good discharge for all moneys payable under and in respect of such insurance and settle, adjust, and compromise any claim thereunder.

(3) If the company receives any money under a policy of insurance taken out pursuant to this section it shall apply that money towards the purchase of grain to replace grain destroyed, lost or damaged, or to compensate any person for the loss, destruction, or damage of or to his grain.

#### **Handling charges for grain**

**29.** (1) The company, in return for all services performed by it in the receipt, handling, storage, and delivery of any grain may demand and recover charges. Separate charges may be demanded and recovered for the respective services performed by the company, or inclusive charges may be demanded and recovered for any two or more such services.

(2) The company may, by notice in the *Gazette*, fix and alter from time to time the amounts of the charges which may respectively be demanded and recovered in respect of grain delivered by members of the company, and in respect of grain delivered by persons who are not such members: Provided that the charges which may be demanded and recovered in respect of grain delivered by persons who are not members of the company shall not be published in the *Gazette* until they have been approved by the Auditor-General.

(3) In determining whether to approve any proposed charges the Auditor-General shall take into account the full operating costs of the company, depreciation, interest, and all other proper charges, as well as any payments or allowances (other than payments or allowances for handling grain) made to the company by the Wheat Board, or by the Barley Board or by any other person or authority for whom grain is handled, and shall allow for a fair margin of profit.

#### *Delivery of Grain*

#### **Delivery of grain received as licensed receiver**

**30.** Delivery of, grain received by the company as a licensed receiver shall be made at such places and upon such terms and conditions as are, from time to time, agreed between the company and the Wheat Board or, as the case may be, the Barley Board.

#### **Delivery of grain to warrant holders**

**31.** (1) The holder of a warrant in respect of grain received by the company otherwise than as a licensed receiver shall be entitled to receive the amount mentioned in the warrant of grain of the same kind and of a grade substantially equal to the grade of the grain in respect of which the warrant was issued, but not the identical grain on receipt of which the warrant was issued.

(2) Grain shall be deemed to be substantially equal in grade to other grain of the same kind, if it does not differ from that other grain to a greater extent than is permitted by the regulations.

#### **Dispute as to grain tendered to warrant holders**

**32.** If any dispute arises as to the quality or condition of grain tendered by the company to the holder of a warrant for delivery, the company or the holder of the warrant may require the matter to be determined by an official referee, and thereupon the matter in issue shall be referred and decided accordingly.

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*Handling of Bagged Grain*

**Company authorised to handle bagged grain**

**33.** (1) Subject to subsection (2) of this section, the company may, subject to and in accordance with the regulations, receive, store, handle, transport and make arrangements or contracts for the transport of bagged grain.

(2) The company shall not receive any bagged grain except at a place where no licensed receiver or other grain merchant is carrying on the business of receiving grain.

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*Supplementary Provisions*

**Regulations**

**34.** (1) The Governor, on the recommendation of the company, may make regulations not inconsistent with this Act prescribing all matters and things which are by this Act required or permitted to be prescribed, or which it is necessary or convenient to prescribe for the purpose of enabling this Act to be carried into effect and facilitating the operations of the company under this Act.

(2) Without limiting the generality of subsection (1), the Governor, on the recommendation of the company, may make regulations not inconsistent with this Act with respect to all or any of the following matters:—

- (a) The conduct of bulk handling by the company:
- (b) The method and procedure to be followed and observed by the company in the exercise of its powers and in the conduct of its business under this Act, and the records to be kept by the company:
- (c) Defining or describing the grades of wheat:
- (d) The delivery of grain to the company, the precautions to be taken in regard to the checking of the quality and quantity thereof:
- (e) Describing the wheat which the company is permitted to refuse to receive because of inferiority to wheat of any specified grade:
- (f) The protection of charges, liens, or securities over grain offered or delivered to the company:
- (g) The delivery of grain by the company, and ensuring that proper precautions shall be taken to check the quantity and quality of the grain delivered by the company:
- (h) Defining the rights of a warrant holder to sample grain tendered to him by the company and to reject grain which is below the prescribed standard:
- (i) The issue of warrants in place of warrants lost or destroyed, and the conditions under which two or more warrants may be issued in exchange for one warrant, or under which one warrant may be issued in exchange for two or more warrants:

- (j) The settlement by referees of questions and disputes arising between the company and the holders of warrants or other persons, and the appointment, powers, and procedure of such referees:
- (k) Prescribing the amount of the fees payable to referees under this Act, and the persons liable for payment, and the mode and time of payment:
- (l) Regulating the receipt, storage, handling, custody, and transport by the company of bagged grain and generally regulating matters incidental thereto:
- (m) Any matters incidental to any of those mentioned in this subsection:
- (n) Declaring that breaches of any regulations shall be offences, punishable summarily by fines not exceeding two hundred dollars.

(3) Where the Minister is of opinion that any regulations (being regulations on matters mentioned in subsections (1) and (2) of this section) ought to be made for the protection of any class of persons, he may submit a draft of such regulations to the company with a request that the company shall recommend the making of such regulations.

(4) The company may within two months after the receipt of the draft regulations make representations thereon to the Minister.

(5) If the company does not notify the Minister within the said period that it is willing to recommend the regulations the Minister, after considering any representations made by the company, may recommend the regulations and if he does so the regulations may be made without the recommendation of the company.

### **Offences**

**35.** (1) Proceedings for offences against this Act shall be heard and determined summarily.

(2) The penalty for an offence against this Act for which no other penalty is prescribed shall be a fine not exceeding two hundred dollars.

**Bulk Handling of Grain Act 1955**

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**APPENDIX**

**LEGISLATIVE HISTORY**

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 1 of The Public General Acts of South Australia 1837-1975 at page 786.
- Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Section 2:	definition of "warrant" amended by 40, 1977, s. 3
<b>Sections 5 - 7:</b>	<b>repealed by 2, 1997, s. 3</b>
Section 12(1):	amended by 40, 1977, s. 4(a); 86, 1984, s. 2
Section 12(2):	amended by 40, 1977, s. 4(b)-(h)
Section 12(3):	amended by 40, 1977, s. 4(i), (j)
Section 12(4):	amended by 40, 1977, s. 4(k)
Section 14(1):	amended by 40, 1977, s. 5(a)
Section 14(3):	amended by 40, 1977, s. 5(b)
Section 14(4):	repealed by 40, 1977, s. 5(c)
Section 18A:	inserted by 5, 1983, s. 2
Section 19(1):	amended by 40, 1977, s. 6(a)
Section 19(2):	amended by 40, 1977, s. 6(b), (c)
Section 19(3):	amended by 40, 1977, s. 6(d)
Section 30:	amended by 40, 1977, s. 7
Heading preceding section 33:	amended by 40, 1977, s. 8
Section 33(1):	amended by 40, 1977, s. 9(a)
Section 33(2):	amended by 40, 1977, s. 9(b)
Section 33(3):	repealed by 40, 1977, s. 9(c)
Section 34(2):	amended by 40, 1977, s. 10